

REMARKS

Responsive to the restriction requirement set forth in the outstanding Official Action of October 5, 2004, applicants hereby provisionally elect Group I, claims 1-4, drawn to a peptide of SEQ ID NO. 1, with traverse.

The Examiner is respectfully reminded that MPEP §803 states that a proper requirement for restriction must meet the following criteria:

1) the inventions must be independent or distinct as claimed; and

2) there must be a serious burden on the Examiner if restriction is required.

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants respectfully submit that Groups I-VI are sufficiently closely related so that a search and examination of the entire application can be made without a serious burden on the Examiner.

The present application relates to the identification and synthesis of a peptide, derived from basic human fibroblast growth factor (bFGF). Claims 1-4 are drawn to a peptide of SEQ ID NO. 1. Claim 5 is directed to a method of using the peptides. As to claims 6 and 7, claim 6 is directed to a method for the

preparation of a pharmacological compound able to affect cell proliferation. Claim 7 relates to a method for the preparation of a pharmacological compound able to affect cell migration and tumor cell migration toward a potential metastasis site. As to claims 6 and 7, they are both dependent on claim 1. Claim 8 is directed to a method of using the peptide as an inhibitor of primary tumor growth and metastasis. Claim 9 relates to a method for the preparation of a pharmacological compound to be used as an adjuvant for the treatment of neoplastic and vascular diseases. Claims 8 and 9 are both dependent on claim 1. Likewise, claims 10 and 11 are directed to a preparation for a pharmacological compound to be used in the treatment of vascular diseases and trombotic events. Claims 10 and 11 are also dependent on claim 1. As a result, the claims of the present invention are directed to a subject matter in which a search and examination can be completed within the narrow discipline.

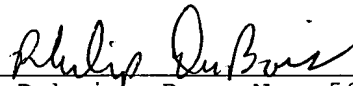
Applicants also note that separate classification is no evidence of the propriety of a requirement of restriction. Classification is solely for the convenience of the Patent Office and the searching public, and cannot diminish an applicant's right in any way.

In light of the above discussion, therefore, it is believed that applicants are entitled to an action on the merits of all the claims, in their full scope, in the present application. Such action is accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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